

Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 EURE-00 CIAE-00 PM-03 INR-07 L-03

ACDA-05 NSAE-00 PA-01 PRS-01 SP-02 USIA-06 TRSE-00

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P R 241735Z JUL 75

FM USMISSION NATO

TO SECSTATE WASHDC PRIORITY 2850

INFO AMEMBASSY BONN

USMISSION GENEVA

USNMR SHAPE

C O N F I D E N T I A L USNATO 3903

E.O. 11562: GDS

TAGS: PFOR, NATO, ICRC, PARM

SUBJECT:INTERNATIONAL HUMANITARIAN LAW IN ARMED CONFLICT-
PROPOSED NATO CONSULTATIONS

REF: A. STATE 170309

B. USNATO 3775

C. STATE 164771

1. FOLLOWING RECEIPT OF REF A, WE AGAIN CONTACTED FRG DEL TO REMIND THEM THAT US AND FRG EXPERTS WILL DISCUSS ARTICLE 46(3) IN BONN ON AUGUST 8. FRG DEL OFFICER (HUBER) SAID HE UNDERSTOOD THIS, BUT WAS STILL UNDER INSTRUCTIONS TO CIRCULATE DRAFT REQUEST FOR A MILITARY COMMITTEE STUDY. WE AGAIN MADE POINT (REF C) THAT AGREEMENT ON PRECISE MEANING OF ARTICLE 46(3) WOULD BE NEEDED FOR AN MC STUDY OF ARTICLE'S IMPLICATIONS. HUBER SAID BONN UNDERSTANDS THIS AND HE BELIEVES HIS AUTHORITIES WILL NOT PUSH HARD FOR MC STUDY UNTIL US AND DRG EXPERTS HAVE MET.

2. WE HAVE NOW RECEIVED DRAFT FRG TEXT (BELOW), WHICH
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DEPARTMENT WILL NOTICE ENLARGES SCOPE OF ENVISAGED STUDY TO INCLUDE ARTICLES 33, ERN 45, AND 46 OF FIRST DRAFT DUPPLEMENTARY PROTOCOL TO THE GENEVA CONVENTIONS OF 1949.

BEGIN TEXT:

THE MILITARY COMMITTEE IS INVITED TO EXMAINE THE IMPLICATIONS FOR THE MILITARY SECURITY OF THE ALLIANCE OF THOSE ARTICLES OF THE FIRST DRAT SUPPLEMENTARY PROTOCOL TO THE GENEVA CONVENTIONS OF 1949 ADOPTED BY COMMITTEE III OF THE ICRC DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW IN ARMED CONFLICTS WHICH DEAL WITH METHODS OF MILITARY COMBAT AND THE PROTECTION OF THE CIVILIAN POPULATION (INTER ALIA ARTICLES 33, 34,45, 46). THE MILITARY COMMITTEE IS REQUESTED TO SUBMIT ITS REPORT NOT LATER THAN END OF NOVEMBER, 1975.

END TEXT

3. COMMENT: WE THINK THAT BEST LINE FOR US TO FOLLOW IN POLADS ON JULY 29 (JULY 22 MEETING CANCELLED) WOULD BE TO SAY THAT OUR AUTHORITIES ARE STILL STDYING THE ISSUES RAISED BY THE FRG REQUEST. WE MIGHT ADD THAT WE UNDERSTAND THERE WILL SOON BE BILATERAL TECHNICAL TALKS ABOUT SOME OF THESE ISSUES AND THAT A DECISION ABOUT WHETHER TO REQUEST AN MC STUDY MIGHT BE DEFERRED UNTIL THES TALKS HAVE BEEN COM- PLETEED. BEFORE MAKING SUCH A STATEMENT IN POLADS WE SOULD COORDINATE WITH THE FRG AND OTHER DELS AS APPROPRIATE.

4. ACTION REQUEST: GUIDANCE, IF POSSIBLE IN TIME FOR JULY 29 POLADS.
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